

# GIBSON DUNN

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November 28, 2011

By Hand

The Honorable Robert E. Payne  
United States District Court for the  
Eastern District of Virginia  
Spottswood W. Robinson III and  
Robert R. Merhige, Jr., Federal Courthouse  
701 East Broad Street  
Richmond, Virginia 23219

April  
To Clerk  
pls file

Re: *ePlus, Inc. v. Lawson Software, Inc.*, Civil Action No. 3:09CV620

Dear Judge Payne:

During a hearing before Your Honor in the above-referenced action on November 8, 2011, counsel for *ePlus* informed Your Honor, accurately, that appellate counsel for Lawson Software, Inc. had made a filing in the United States Court of Appeals for the Federal Circuit, indicating that GGC Software Holdings, Inc. is the real party in interest in the matter on appeal. Prior to Mr. Robertson's comment, I was unaware of the Federal Circuit filing at issue, which was made by Lawson's lawyers in the Federal Circuit, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP. Following the November 8<sup>th</sup> conference, we inquired of our client and counsel at Finnegan, Henderson in regard to the identity of the real party in interest. It appears that the filing referenced by *ePlus*'s counsel was made in error, and it has been corrected by the filing of an Amended Certificate of Interest in the Federal Circuit.

Lawson was acquired by GGC Software Holdings, Inc., an affiliate of Golden Gate Capital and Infor, on July 5, 2011. GGC Software Holdings, Inc. is the parent corporation of Lawson Software, Inc., but Lawson remains a separate corporate entity. More importantly, Lawson is the corporate entity that was enjoined by Your Honor on May 23, 2011, and Lawson is the corporate entity that undertook all of the activities asserted by *ePlus* to constitute contempt of the Permanent Injunction. Accordingly, Lawson remains the real party in interest in this Court, as well as in the Federal Circuit.

I have advised Mr. Robertson of these facts by letter dated November 23, 2011, and I am copying him on this letter. I am also enclosing for Your Honor, copies of the Amended Certificate of Interest and letter to the Clerk of Court, both of which were filed in the United States Court of Appeals for the Federal Circuit on November 23, 2011.

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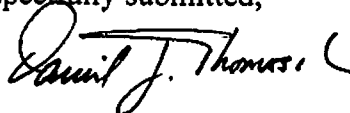
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November 28, 2011  
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I would be happy to address any questions that Your Honor may have regarding this issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Thomas", with a stylized flourish at the end.

Daniel J. Thomasch

DJT/las  
Enclosures

cc: Craig T. Merritt, Esq. (by electronic mail)  
Scott L. Robertson, Esq. (by electronic mail)  
Henry I. Willett, III, Esq. (by electronic mail)  
Dabney J. Carr, IV, Esq. (by electronic mail)

# FINNEGAN

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November 23, 2011

The Honorable Jan Horbaly  
Clerk of Court  
United States Court of Appeals  
for the Federal Circuit  
717 Madison Place, N.W.  
Washington, D.C. 20439

***VIA HAND DELIVERY***

Re: ***ePlus v. Lawson Software, 2011-1396, -1456, -1554***

Dear Mr. Horbaly:

We are writing to ask the Court to confirm Lawson's understanding of the real party in interest in this consolidated appeal so that Lawson may correct an inadvertent error in its amended certificate of interest.

Lawson Software, Inc. first appealed to this Court on May 23, 2011. Pursuant to Federal Circuit Rules 26.1 and 47.4, Lawson filed a certificate of interest identifying Lawson Software, Inc. as the real party in interest. Thereafter, on July 5, 2011, Lawson was acquired by GGC Software Holdings, Inc., an affiliate of Golden Gate Capital and Infor. Lawson filed an amended certificate of interest informing the Court that GGC Software Holdings, Inc., an affiliate of Golden Gate Capital and Infor, is the parent of Lawson Software, Inc. The amended certificate of interest also listed GGC Software Holdings, Inc. as the real party in interest.

Upon further reflection, however, Lawson believes this was in error and that Lawson Software, Inc. remains the real party in interest. Lawson is a separate corporate entity, and Lawson is the corporate entity that performed the alleged infringing activities at issue in this appeal. In light of the foregoing, I attach a further amended certificate of interest to correct this information. If the Court disagrees, Lawson will of course follow this Court's guidance.

Respectfully submitted,

*Donald R. Dunner (EAL)*

Donald R. Dunner  
Counsel for Appellant Lawson Software

cc: Scott L. Robertson, Esq.

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

**EPLUS, INC. V. LAWSON SOFTWARE, INC.**

**Nos. 2011-1396, -1456, -1554**

**AMENDED CERTIFICATE OF INTEREST**

Pursuant to Federal Circuit Rules 27(a)(7) and 47.4(a), counsel for Defendant-Appellant Lawson Software, Inc. certify the following:

1. The full name of every party or amicus represented by us is:

Lawson Software, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by us is:

Lawson Software, Inc.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of any party represented by us are:

GGC Software Holdings, Inc., an affiliate of Golden Gate Capital  
and Infor

4. The names of all law firms and the partners or associates that appeared for the parties now represented by us in the trial court or are expected to appear in this court are:

Dabney J. Carr, IV, Robert A. Angle, Megan C. Rahman  
TROUTMAN SANDERS LLP


Daniel McDonald, William D. Schultz, Kirstin Stoll-DeBell,  
Rachel C. Hughey, Andrew J. Lagatta, Joshua P. Graham  
MERCHANT & GOULD P.C.

Sarah Elizabeth Simmons, Jason Charn-Jieh Lo, Timothy Patrick Best,  
Daniel James Thomasch, Josh Krevitt  
GIBSON, DUNN & CRUTCHER LLP

Donald R. Dunner, Kara F. Stoll, Erika H. Arner, Elizabeth A. Laughton,  
Justin Lowrey  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Respectfully submitted,

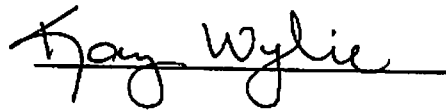
Date: November 23, 2011

  
Donald R. Dunner, Esq.  
Kara F. Stoll, Esq.  
Erika H. Arner, Esq.  
Elizabeth A. Laughton, Esq.  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 New York Avenue, NW  
Washington, DC 20001  
(202) 408-4000

**CERTIFICATE OF SERVICE**

I hereby certify that on November 23, 2011, true and correct copies of the foregoing **AMENDED CERTIFICATE OF INTEREST** were served by email on the persons at the address listed:

Scott L. Robertson  
Goodwin Procter, LLP  
901 New York Avenue, N.W.  
Washington, DC 20001  
[ML-ePlusAppeal@goodwinprocter.com](mailto:ML-ePlusAppeal@goodwinprocter.com)  
[cmerritt@cblaw.com](mailto:cmerritt@cblaw.com)  
[hwillett@cblaw.com](mailto:hwillett@cblaw.com)  
[rrandolph@cblaw.com](mailto:rrandolph@cblaw.com)

A handwritten signature in black ink, reading "Gay Wylie", is written over a horizontal line.